

**ASSEMBLY BILL**

**No. 1127**

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**Introduced by Assembly Member Garcia**

February 22, 2005

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An act to add and repeal Section 40904 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1127, as introduced, Garcia. Two-way teleconferencing testing.

Existing law allows a court, by rule, to provide for the trial of an alleged infraction including a violation of the Vehicle Code or an ordinance adopted pursuant to that code.

This bill would require the court in Riverside County, as a pilot program, to receive testimony from a law enforcement officer via two-way teleconferencing, as described, from Palm Springs, Moreno Valley, or Corona upon an alleged infraction, as charged by the citing officer, involving a violation of the Vehicle Code or any local ordinance adopted pursuant to that code, as specified.

Because this would impose a higher level of service on that county, this bill would impose a state-mandated local program.

These provisions would become inoperative on January 1, 2005, and, as of January 1, 2006, would be repealed, unless a later enacted statute that is enacted before January 1, 2006, deletes or extends the dates on which these provisions becomes inoperative and is repealed.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 40904 is added to the Vehicle Code, to  
2 read:

3 40904. (a) The court, in Riverside County, as a pilot  
4 program, shall receive testimony from a law enforcement officer  
5 via two-way teleconferencing from Palm Springs, Moreno  
6 Valley, or Corona upon an alleged infraction, as charged by the  
7 citing law enforcement officer, involving a violation of this code  
8 or a local ordinance adopted pursuant to this code.

9 (b) A court clerk shall be present at the location where the  
10 teleconferenced testimony is provided. The clerk shall be  
11 directed by the court to receive all exhibits for inclusion and  
12 preservation in the court file.

13 (c) Except as set forth in subdivisions (a) and (b), this section  
14 does not permit the submission of evidence other than in  
15 accordance with the law.

16 (d) As used in subdivision (a), “two-way teleconferencing”  
17 shall include the following:

18 (1) The judge and the defendant can observe the demeanor of  
19 the officer while testifying.

20 (2) The witness can be shown an exhibit put forth by the  
21 defendant.

22 (3) The preparation and use of an exhibit by the law  
23 enforcement officer can be observed by both the judge and the  
24 defendant.

25 (4) The law enforcement officer may be questioned by either  
26 the judge or the defendant.

27 (e) The court shall ascertain that the defendant knowingly and  
28 voluntarily waives his or her right to be personally confronted by  
29 the witness against him or her.

30 (f) This section shall become inoperative on June 30, 2006,  
31 and as of January 1, 2007, is repealed, unless a later enacted  
32 statute, that is enacted before January 1, 2007, the dates on which  
33 it becomes inoperative and is repealed.

1       SEC. 2. If the Commission on State Mandates determines that  
2 this act contains costs mandated by the state, reimbursement to  
3 local agencies and school districts for those costs shall be made  
4 pursuant to Part 7 (commencing with Section 17500) of Division  
5 4 of Title 2 of the Government Code.

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